Single Bench (B)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 752/2005

PETITIONER : Thakur Ram Khare,
S/o Late Shri Nathuram Khare,
Aged about 56 years,
Working as Secretary, Krishi Upaj
Mandi Samiti, Pithora,
District – Mahasamund (C.G.)

872/05
P.R. No.
Presented by Shri L.T. Modi
dated 02-03-05

- Versus-

RESPONDENTS : 1. State of Chhattisgarh,
Through the Secretary,
Department of Agriculture,
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.).

2. Chhattisgarh Rajya Krishi
Vipdan Board, Through its
Managing Director, Purani Ganj
Mandi Parisar, Raipur (C.G.).

3. The Deputy Director (Incharge)
Administration, Chhattisgarh Rajya
Krishi Vipdan Board, Purani Ganj
Mandi Parisar, Raipur (C.G.).

4. Shri G. L. Agarwal,
Mandi Nirikshak, Incharge Secretary
Krishi Upaj Mandi Samiti, Pithora,
District- Mahasamund (C.G.).

2.3.05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT/DIRECTION OR ORDER IN THE MATTER TO DO THE JUSTICE.

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 752 of 2005

Petitioner — Thakur Ram Khare

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Vinay Pandey, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the respondents No. 1 to 3.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by Satish K. Agnihotri, J.

1. The petitioner while working as Secretary, Krishi Upaj Mandi Samiti, Pithora, District – Mahasamund was transferred to Baloda Bazar, Raipur on the same terms and conditions vide impugned transfer order dated 28.2.2005 (Annexure P/4).
2. This Court vide interim order dated 14.3.2005 granted stay of the impugned order, till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur